IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO. 813 OF 2003

IN

SUMMARY SUIT NO. 1853 OF 2003

Prashant C. Desai .....**Plffs.**

vs.

Indo Foreign Hardware Stores .....**Defnds.**

Mr. B.R. Yadav i/b. Little and Co. for the plaintiffs.

CORAM: S.U. KAMDAR, J.

DATE : 17TH AUGUST, 2005.

P.C. :.

1. The present suit is filed on a promissory note

for a sum of Rs.1.00 lacs with interest., The suit i filed for Rs.1,49,364.38/-. It is the case of the plaintiff that the promissory note was executed by the defendant for a valuable consideration and that the said demands were made under the said promissory note dated 22.10.96. It is the case of the plaintiff that from time to time the payments are made by the defendant and last of the payment was made on 30.9.2000 and therefore the suit is within time.

2. The plaintiffs by their advocates letter dated 22.3.2003 called upon the defendant to make payment of the promissory note. However there was no reply. In view of the aforesaid the present suit is filed for the recovery of the aforesaid amount. The suit has been served. The defendant has filed their appearance. The Summons for Judgement was served on the defendants as far back as 11.9.2003. However there is no reply to the Summons for judgment. Yesterday I further directed the advocate for the plaintiff to give notice to the defendants which has been served on 16.8.2005.

Inspite of notice none appears for the defendants. Affidavit of service dated 16.8.2005 is taken on record. In view of the aforesaid Summons for Judgment made absolute. Suit decree accordingly. No order as to costs.

sd/-

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